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09/578,107	05/24/2000	Satoshi Kawase	JP9-1999-0099-US1	4769

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EXAMINER

ENGLAND, DAVID E

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2143

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

DEC 22 2004

Technology Center 2100

Application Number: 09/578,107
Filing Date: May 24, 2000
Appellant(s): KAWASE ET AL.

David England
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 09/07/2004.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 1-3, 10-12 and 14-16 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

6,298,356

Jawahar et al.

10-2001

(10) *Grounds of Rejection*

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The following ground(s) of rejection are applicable to the appealed claims:

Claims 1 – 3, 10 – 12 and 14 – 16 are rejected under 35 U.S.C. 102(e). This rejection is set forth in a prior Office Action, mailed on 04/02/2004.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 – 3, 10 – 12, and 14 – 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Jawahar et al. U.S. Patent No. 6298356 (hereinafter Jawahar)

Referencing claim 1, Jawahar teaches

(a) receiving, at the information terminal support server, an HTTP message sent from a Web server in response to a customer-side browser request, (e.g. col. 21, lines 18 – 44, “...*client requests are re-directed through the session host...*”);

(b) determining whether or not said HTTP message agrees with a predetermined condition, (e.g. col. 8, lines 25 – 40, “*filter*” & col. 22, lines 4 – 30, “*conditions, filter*”);

(c) editing contents of said HTTP message when said HTTP message agrees with said predetermined condition, (e.g. col. 7, lines 53 – 65 & col. 13, lines 10 – 53, “*modified to include information about the customer*”);

(d) sending said HTTP message in an unedited form to the customer-side browser, (e.g. col. 18, line 56 – col. 19, line 2, & col. 12, lines 4 – 32); and

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(e) sending said HTTP message in an edited form to the agent-side browser, (e.g. col. 7, lines 53 – 65 & col. 13, lines 10 – 53, “*modified to include information about the customer*”).

Referencing claim 2, Jawahar teaches editing is carried out to insert a command for a client program loaded on the agent-side information terminal, (e.g. col. 10, lines 1 – 18, “*synchronization*” & 19, lines 11 – 50, “*POST*”).

As per claim 3, as interpreted by the examiner, Jawahar teaches said command is one of “form submit prohibition”, “form alteration prohibition”, “concealment of specific form” or “concealment of specific field”, (e.g. col. 18, line 56 – col. 19, line 50, “*URL sharing may be undesirable or impossible if the customer request includes information that is not or should not be readily available to the agent. An HTTP client request includes a method or command that describes the action to be taken on the URL by the server. One such method is the POST method. The POST method enables a customer-client to communicate additional information other than the URL to the server.”).*

Claims 10 – 12, and 14 – 16 are rejected for similar reasons as stated above.

Response to Arguments

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

In the remarks, Applicant argues in substance that Jawahar does not teach or suggest determining whether an HTTP message sent from a web server in response to a customer-side browser request agrees with a predetermined condition and “editing contents of said http message when said HTTP message agrees with said predetermined condition,” as recited in claim 1.

As to part 1, Examiner would first like to address the meaning of the word “edit”. While examining the claims, one must interpret the claim language in the broadest aspect of the limitations presented. The term “edit” can be interpreted as changing the form of an “object” in appearance, substance, etc. An “object” could be anything one can make, see, touch, hear, read, etc. This means that one can add and/or take away from the original object, and it would be edited. An example could be editing a book, the author could take out a page or words that don’t describe the true nature of the character and the author could add in more descriptive wording to bring out the feeling of being in the setting of a character.

In Jawahar, a customer makes a request to communicate with an agent. The request is sent to a server and an agent is found to take the customer request, (e.g. col. 12, lines 34 – 43, “*At step 176, the Java applet (running on the customer's computer) contacts the Java server and communicates the customer's request to the Java server. In this example, the customer has requested that an agent contact the customer by return telephone call. Step 178 calls the transaction host servlets (e.g., the servlets that performs the functions of transaction host 102 in FIG. 3), which locates an agent to handle the customer's request. An agent may be located by communicating with transaction processing system manager 120 to select an*”).

agent and to initiate a telephone call across the PSTN.”). After the agent is located to handle the costumer’s request, information about the costumer is displayed to the agent about the costumer such as account information or past purchases, (e.g. col. 12, lines 44 – 64, “(e.g. account information, or past purchases)”)), which can be interpreted as predetermined conditions, that were generated by the costumer at an earlier transaction. Various windows (known as frames) are displayed to the agent in a browser along with the page the costumer is viewing, which is imbedded into the web site that the agent is viewing, therefore the web page is edited by adding content to the original web site the costumer is viewing, (e.g. col. 13, lines 10 – 53, “FIG. 6 illustrates an embodiment of various windows (also referred to as frames) displayed to an agent using the agent’s computer. An agent’s computer includes a display device that provides visual information to the agent. In FIG. 6, an agent’s browser application generates a display 190 containing multiple frames 192, 194, 196, 198, and 200. Frame 192 represents the web page or other information currently being displayed to the customer. Thus, the agent is able to easily determine what information is available to the customer based on frame 192. Additionally, the agent can provide additional information about a product or service while referring to the information already displayed to the customer. Frame 194 is a text chat window that allows the agent and the customer to communicate using typed information. The text chat window can be used at any time, and is particularly useful when a voice connection cannot be established between the agent and the customer (e.g., the customer does not have an Internet phone and has only one telephone line, which is used to access the Internet).”). It is very apparent that the agent is viewing a modified, “edited”, version of the web site the costumer is viewing, from the server. Keeping

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in mind that “edit” does not strictly mean to take away from the original object, it can mean to add to an object, as is very apparent in the reference of Jawahar. Therefore, Jawahar teaches, “receiving, at the information terminal support server, an HTTP message sent from a Web server in response to a customer-side browser request,” “determining whether or not said HTTP message agrees with a predetermined condition,” “editing contents of said HTTP message when said HTTP message agrees with said predetermined condition,” “sending said HTTP message in an unedited form to the customer-side browser,” and “sending said HTTP message in an edited form to the agent-side browser.” If the Applicant were to further limit the language of the claims to describe the term “edit(ed/ing)” to specifically be interpreted as restricting information to an agent, then it could overcome the prior art, but would require further search and consideration. Claims 10 and 14 are still rejected for similar reasons as stated above.

In the remarks, Applicant argues in substance that Jawahar does not teach the limitations of claims 2, 11 and 15, furthermore does not teach editing the HTTP message before sending the message to the agent-side browser.

As to part 2, Examiner would like to draw the Applicant’s attention to the rejection that is restated above, which teaches editing the HTTP message before sending the message to the agent-side browser. Furthermore, taking the teaches referenced in claim 1, the section stated for claim 2 states, “*Synchronization service 104 synchronizes changes between all participants in a particular communication. For example, in an agent-customer*

communication, any changes entered to a web page by the customer are identified by synchronization service 104, and provided to the agent's browser application. Thus, synchronization service 104 ensures that all participants in a communication are provided with the same information.” Furthermore, a section previously disclosed above stating, (e.g. col. 13, lines 15 – 19), *Frame 192 represents the web page or other information currently being displayed to the customer. Thus, the agent is able to easily determine what information is available to the customer based on frame 192.* This teaching along with the teachings of claim 1, since claim 2 is dependent on claim 1, discussed above, show that Jawahar does teach editing the HTTP message before sending the message to the agent-side browser. Claims 11 and 15 are still rejected for similar reasons as stated above.

In the remarks, Applicant argues in substance that Jawahar does not teach said command is one of “form submit prohibition”, “form alteration prohibition”, “concealment of specific form” or “concealment of specific field”.

As to part 3, Examiner would like to point out that the claim language states, “said command is one of”. Therefore all four commands do not have to be present in Jawahar for the claim to be rejected properly, only one command. Also, the application does not specifically disclose the function or detail of “form submit prohibition” or “form alteration prohibition”, therefore leaving these limitations to be interpreted broadly. Jawahar does teach the limitations of claim 3 as stated above in the rejection, as stated, “*if a customer request includes information that is not or should not be readily available to the agent*”, is just one example of one of the

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limitations that Jawahar teaches. Claims 12 and 16 are still rejected for similar reasons as stated above.

In the remarks, Applicant argues in substance that Jawahar actually teaches away from the presently claimed invention because it teaches that the customer and the agent view the same Web page with the same information, as opposed to sending an HTTP message to the customer in an unedited form and sending the HTTP message to the agent in a edited form.

As to part 4, Examiner would like to draw the Applicant's attention to what was stated above to the interpretation of "edited". As discussed above, Jawahar teaches the costumer viewing a HTTP message and requesting an agent to aid the costumer in a specific matter. The agent is then given the web page the costumer is viewing in a frame along with other frames in the browser that has other information about the costumer and possibly a type of online chat to communicate with the costumer or other users in a network. This, along with other points stated above, does teach on the claim language and the broad interpretation of "edited", as in adding information to a HTTP request in multiple frames in a browser. If the Applicant were to be more specific about the specific interpretation of "editing", it could overcome the reference of Jawahar, but would change the scope of the invention and claim language and would require further search and consideration.

Applicant's arguments filed 03/05/2004 have been fully considered but they are not persuasive. Claims 1 – 3, 10 – 12 and 14 – 16 are still rejected as described above.

(11) Response to Argument

In the arguments, Applicant states in substance that Jawahar does not teach or suggest determining whether an HTTP message sent from a Web server in response to a customer-side browser request agrees with a predetermined condition and editing contents of said HTTP message when said HTTP message agrees with said predetermined condition. The HTTP message of Jawahar is received at the agent client in **unedited form**. Therefore, Jawahar fails to teach or fairly suggest “sending said HTTP message in an edited form to the agent-side browser,” as recited in claim 1. Furthermore, Jawahar does not teach, suggest, or give any incentive to make the needed changes to reach the presently claimed invention.

As to the first argument, Examiner would like to draw the Applicant’s attention to the numerous cited areas of Jawahar disclosed above and described herein that read and can be interpreted on multiple levels of the Applicant’s broadly claimed invention. Jawahar teaches, as suggested by the Applicant and cited by the Examiner, Web server 66 that includes a filter service 68 that may change Web page content, e.g., by adding JavaScript methods, to allow the coordination and exchange of information between customer and agent browser application. Jawahar further teaches that the purpose of filter service 68 is to ensure the customer and the agent view the same information, (e.g. col. 8, lines 20 – 39). In the broadest interpretation of the claimed invention of the Applicant, the claims **do not state what type of editing** is taking place, (i.e., change in: format, display, code, adding, deleting, etc.). This would mean that Jawahar’s teaching of “adding JavaScript” to a web page is a type of “editing”. Therefore, reading and the broad limitation of the word “edit”.

Furthermore, if the Applicant would read columns 12 and 13, they would notice the procedure that will now be discussed and its relevance to the claim language. Starting at column 12, line 4, Jawahar teaches an embodiment of a procedure for communicating information between various devices. Quoting Jawahar, "At step 170, a customer contacts a web server. At step 172, the customer **requests to be contacted by an agent**. The customer may **specify the manner in which the information or agent contact is handled (e.g., by return telephone call, by e-mail, or by facsimile)**." One way to interpret this section taught by Jawahar is that this is the request a customer-side browser will have for a web server 136. "At step 176, the java applet (running on the customer's computer) contacts the Java server and communicates the customer's request to the Java server. In this example, the customer has requested that an agent contact the customer by return telephone. Step 178 calls the transaction host servlets (e.g., the servlets that performs the functions of transaction host 102 in FIG. 3), which locates an agent to handle the customer's request." One can interpret this as "the predetermined condition" of the Applicant's invention being the request for an agent with "the choice of telephone call" from the agent to the customer. Since the predetermined conditions are e-mail, telephone call or facsimile, for example, the agent is contacted by the server to contact the customer by telephone call. Furthermore, the Applicant does not claim specifically what types of "predetermined condition" is being processed by the server or what the "condition" is specifically. This leaves the claim broad with the ability to interpret a condition into many different types. "After an agent has been selected to handle the customer's request, step 180 contacts the selected agent and informs the agent regarding the customer's request. At this time, **information about the customer may be displayed to the**

selected agent (e.g., account information, or past purchases).” This is where one could interpret the “predetermined condition” being used to tell the server to tell the agent to contact the customer by phone and a data communication link, (e.g. col. 12, lines 48 – 64). In column 13 of Jawahar, starting on line 10, the Applicant can see that a communication through the network has an agent’s browser application generating a display with the customer’s viewed web page displayed in a frame along with other information pertaining to the customer and other information that could be relevant to the agent in helping the customer in there decision on a product in other frames in the same browser. This is a result from the customer selecting to get help form an agent. The Applicant is reminded that all the **frames are in the same browser application** which makes up a new web page that is build up using an already existing web page form the customer. It is well known in the art that a web page can utilize frames to separate information and one can add frames to an already existing web page. Since the Applicant does not distinguish in the independent claims of the claimed invention what type of “editing” is being done or what can be “edited” onto or into the web page, it can be interpreted that adding onto a web page is a type of “editing”. Furthermore, these quoted section in Jawahar should not in any way hinder the prior art to just the areas cited for they are just samples of areas that could be utilized in the rejection.

In the arguments, Applicant states in substance that the Office Action proffers no analysis as to why “synchronization service” and a “POST method” is somehow equivalent to carrying out editing to insert a command for a client program loaded on the agent-side information

terminal, as recited in claims 2, 11 and 15. The relevance of these portions is still unclear, because the cited portions make no mention of a client program being loaded on the agent-side information terminal and as stated above, Jawahar does not teach or suggest editing the HTTP message before sending the message to the agent-side browser.

As to the second argument, the quoted section of Jawahar, “synchronization service” and “POST method”, were disclosed to give the Applicant the terms in which they should read specifically on, for there is more than one interpretation to the broad claim language of the Applicant’s invention. For the “synchronization service”, it states that “in an agent-customer communication, any changes entered to a web page by the customer are identified by the synchronization service 104, and provided to the agent’s browser application”, (e.g. col. 10, lines 1 – 8). Now the Applicant is reminded from the above section that the agent has in a browser application, frames, and in one of these frames is the customer’s web page that they are viewing at that time. Using the “synchronization service”, this would change the one frame that the agent is viewing therefore the whole browser application that is holding the web page viewed by the agent is “edited” by the customer’s selection. In other words the **command** to change web pages made by the **customer** on their web browser is **loaded on the agent-side information terminal** because of the properties the “synchronization service” utilizes in the system.

As for “POST”, the Examiner would like to again draw the Applicant’s attention to column 19, starting at line 11. Quoting Jawahar, “An **HTTP** client request includes a method or **command** that describes the action to be taken on the URL by the server. One such method

is the "POST method". The POST method enables a customer-client to communicate additional information other than the URL to the server. **This additional information, however, is not readily accessible by a third party such as the agent.** Moreover, even if the information were accessible, the customer may prefer that the information not be available to the agent for some applications (e.g., confidential financial transactions). Thus URL sharing alone would not enable the agent to retrieve the same page as the customer because the data necessary for dynamically generating the page is unavailable to the agent." Again the Applicant is reminded of the above section of the agent's browser and "synchronization service". With everything considered, this would mean that the **command** that the customer gives could "edit" the frame of the agent's browser to not show the web page the customer has prohibited the agent from viewing. These limitations read on the broad claim language as presented by the Applicant. Furthermore, the section discussed above can also be incorporated into the first argument without limiting the use of the prior art of Jawahar and vice versa. Again, these quoted section in Jawahar should not in any way hinder the prior art to just the areas cited for they are just samples of areas that could be utilized in the rejection.

In the arguments, Applicant states in substance that the Final Office Action argues that Jawahar teaches, "if a customer request includes information that is not or should not be readily available to the agent," However, the Final Office Action is still unclear as to how this is somehow equivalent to carrying out editing to insert a command for a client program

loaded on the agent-side information terminal where the command is one of “form submit prohibition,” “form alteration prohibition,” “concealment of specific form,” or “concealment of specific field,” as recited in claims 3, 12 and 16.

As to the third argument, as described above, if the customer utilizes a command that describes the action to be taken on the URL by the server. Another application that is utilized in Jawahar and could be interpreted broadly to read on claims 3, 12 and 16 is the use of the GET method, (e.g. col. 19, lines 28 – 47). Quoting Jawahar, “For example, in an online banking application, the customer’s account number and specific transactions to be performed may be embedded within the URL. When the customer issues the request, the customer’s URL may result in a withdrawal, transfer, deposit or other action on the customer’s account. URL sharing in this case would be inappropriate because undesirable side effects (e.g., unintended banking transactions) would occur if the agent issued a request with the same URL.” The methods of GET and POST, along with the limitation of synchronization service as described above could be interpreted as **one of** “form submit prohibition,” “form alteration prohibition,” “concealment of specific form,” or “concealment of specific field”. Furthermore, the Applicant does not specifically state in the specification what “**form**” is referred to, (e.g., something filled out, a shape, structure, an entire document, etc.). The only interpretation the Applicant gives on the limitation of “form” is on page 32, where Applicant states, “*The client program 135 reads the embedded command using an API possessed by the web browser and then executes this command (step 421). In this example, the client program 135 instructs, using an API possessed by the web browser or the OS,*

prohibition submission and form alteration, and concealment of specific forms and fields.

In the preferred embodiment of the present invention, the following processing is carried out on the client side when the command is NOTSHOWN (non-displaying of predetermined information).”, where there is also no limitation as to how much “***predetermined information***” can be withdrawn, (e.g., part, half, on quarter of a document, the entire document, etc.). Therefore, as described above and in the second argument, the customer uses a command to tell the server not to disclose a specific web page or “form” to the agent. With the synchronization service, the agent is not allowed to have the frame, designated for the customer, to display the web page the user is on. These limitations read on the broad claim language as presented by the Applicant. Furthermore, the section discussed above can also be incorporated into the first argument without limiting the use of the prior art of Jawahar and vice versa. Again, these quoted section in Jawahar should not in any way hinder the prior art to just the areas cited for they are just samples of areas that could be utilized in the rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 571-272-3912.

The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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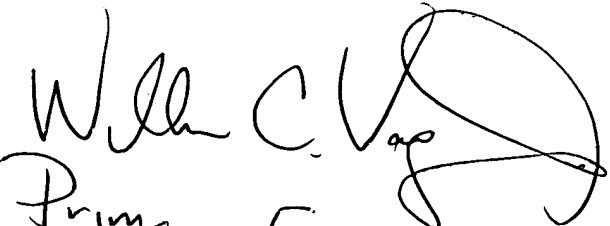
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David E. England
Examiner
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De



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SUPERVISORY PATENT EXAMINER



William C. Vagstad
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